

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DARRYL PARKMAN,

Plaintiff,

v.

WILLIAM WOLFE, et al.,

Defendants.

: CIVIL ACTION NO. 3:20-CV-09
: (JUDGE MARIANI)
: (Magistrate Judge Arbuckle)

FILED
SCRANTON

OCT 06 2020

PER *[Signature]* DEPUTY CLERK

ORDER

AND NOW, THIS *10th* DAY OF OCTOBER 2020, upon review of Magistrate Judge

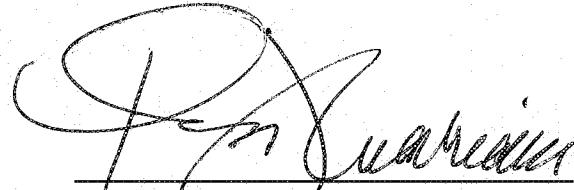
William I. Arbuckle's Report and Recommendation ("R&R) (Doc. 7) for clear error or manifest injustice, the Court concludes that leave to amend is properly granted in the circumstances presented here,¹ and **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 7) is **ADOPTED AS MODIFIED** for the reasons set forth therein;
2. The Clerk of Court is directed to **DISMISS** the Complaint (Doc. 1) **WITHOUT PREJUDICE**;
3. Plaintiff is granted leave to file an amended complaint on or before October 21, 2020;²

¹ The Magistrate Judge recommends dismissal with prejudice because Plaintiff did not file an amended complaint after being given the opportunity to do so before the R&R was issued. (Doc. 7 at 11; see also Doc. 6.) Because the opportunity to amend preceded the R&R and this is the Court's first review of the matter, the Court will allow Plaintiff a further opportunity to amend.

² Plaintiff is placed on notice that any amended complaint must be complete in all respects; it must be a new pleading that complies with the requirements of the Federal Rules of Civil Procedure which

4. Failure to timely file an amended complaint will result in dismissal of this action with prejudice.



Robert D. Mariani
United States District Judge

stands by itself without reference to the complaint already filed. The amended complaint will completely replace the original complaint, therefore if Plaintiff chooses to file an amended complaint, the original complaint will have no role in the future of this case.